

1 MR. GREGORY P. JONES SR
2 P.O. BOX 7500 A-3-124
3 CRESCENT CITY CA 95531
4 CDC NUMBER D-43274
5 IN PROPRIA PERSONA

FILED
28 FEB -1 PM 1:58
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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7
8 IN THE UNITED STATE DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISON

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12
13 MR GREGORY PAUL JONES SR
14 Plaintiff

Case NO. C07-4021 SI(pr)
MOTION FOR RECONSIDERATION

15 VS

16 ROBERT A. HOREL; et al.,
17 defendants

18
19 In its order of January 16, 2008, The Court ruled
20 ADJUDGED that plaintiff's claims against ROBERT A. HOREL,
21 warden at Pelican BAY State Prison (PBSP) were due to be
22 dismissed on the grounds of failure to state a claim
23 upon which relief may be granted, and failure to state
24 claim for due process.

25 1. The expungement of all charges on plaintiff from
26 June 20, 2006, to present date due to retaliation, which
27 gives plaintiff grounds for relief.
28

1 2. Plaintiff life was placed in "danger" by placing him
2 among violent non-programming prisoner's.

3 3. The plaintiff concede that on essential element in
4 any system of minimum procedural Safeguards is
5 providing the accused inmate with specific notice of
6 the charges against him. Adequate notice has been
7 held by our circuit to be an indispensable ingredient
8 of minimum due process in the prison context (Allen v.
9 Nelson, supra) and it has been unanimously viewed
10 as a necessary safeguard in prison disciplinary
11 proceedings (see e.g. McDONNELL v. WOLFF, supra, 483 F.2d
12 at 1062-1063; United States ex rel. Miller v. Twomey,
13 479 F.2d at 716, 718; Corrections at 51.).

14 4. It was therefore error for the court to dismiss
15 ROBERT A. HOREL, et al. Pelican Bay State Prison (PBSB) on
16 these grounds. plaintiffs claims against ROBERT A. HOREL,
17 should be "REINSTATED".

18 Dated: JANUARY 27, 2008

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21 IN PROPRIA PERSONA
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PROOF OF SERVICE BY MAIL

(C.C.P. Section 101(a) # 2015.5, 28 U.S.C. 1746)

I, MR GREGORY P. JONES SR, am a resident of Pelican Bay State Prison, in the County of Del Norte, State of California. I am over eighteen (18) years of age and am a party to the below named action.

My Address is: P.O. Box 7500, Crescent City, CA 95531.

On the 27 day of JANUARY, in the year of 2008, I served the following documents: (set forth the exact title of documents served)

1 ONE ORIGINAL AND 1 ONE COPY OF MOTION FOR
RECONSIDERATION.

on the party(s) listed below by placing a true copy(s) of said document, enclosed in a sealed envelope(s) with postage thereon fully paid, in the United States mail, in a deposit box so provided at Pelican Bay State Prison, Crescent City, CA 95531 and addressed as follows:

OFFICE OF THE CLERK, U.S.

DISTRICT COURT, NORTHERN

DISTRICT OF CALIFORNIA,

450 GOLDEN GATE AVENUE,

SAN FRANCISCO, CA 94102

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 27 day of JANUARY, 2008.

Signed: Mr Gregory P Jones Sr

(Declarant Signature)

MR GREGORY P. JONES SR D-43274
P.O. BOX 7500 A.3.124
PELICAN BAY STATE PRISON
CRESCENT CITY, CA 95531

LEGAL MAIL

PELICAN BAY STATE PRISON
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